



**Flathead County**  
**Planning & Zoning**  
1035 1<sup>st</sup> Ave W, Kalispell, MT 59901  
Telephone 406.751.8200 Fax 406.751.8210



**APPLICATION FOR A VARIANCE**

*Submit this application, all required information, and appropriate fee (see current fee schedule) to the Planning & Zoning office at the address listed above.*

**FEE ATTACHED \$** 350.00

*Before completing this application please read instructions on page 4.*

1. **OWNER:**

Name: James & Nikkea Williamson  
Address: P.O. Box 8176 Phone: 406-210-5330  
City/State/Zip: Kalispell, MT 59901  
Email: nuskoski@centurytel.net or james.williamson@nfs.stoneriver.com

**INTEREST IN PROPERTY:** Owners

2. **APPLICANT:** *(If different from above)*

Name: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_

3. **TECHNICAL/PROFESSIONAL ASSISTANCE:** *(If applicable)*

Name: Jackola Engineering + Architecture  
Address: 2250 Hwy 93 S. Phone: \_\_\_\_\_  
City/State/Zip: Kalispell MT 59901  
Email: \_\_\_\_\_

4. **LOCATION OF PROPERTY FOR WHICH VARIANCE IS SOUGHT:**

Physical Address: 2109 Steel Bridge Road

5. **ZONING DISTRICT:** EASTSIDE **ZONING DESIGNATION:** AG-80

6. **DATE PROPERTY ACQUIRED:** 3/29/13

7. **LEGAL DESCRIPTION:**

Subdivision *(if applicable)* \_\_\_\_\_ Lot/Tract(s) 3  
Assessor # 0690100 Section 26 Township 28 North Range 21 West



8. **REQUEST FOR A VARIANCE FROM THE PROVISIONS OF** *(State Section, Part, and Paragraph of the Zoning Regulations):* Section 3.04.040 (1) Minimum Lot Area: 80 acres


9. **THIS IS A REQUEST FOR A VARIANCE IN RELATION TO THE PROVISIONS OF THE REGULATIONS** *(check one below):*

Area x                      Yard                                           Height                       
Coverage                                           Parking                                           Other                     

10. **STATE SPECIFICALLY THE CHANGE(S) PROPOSED AND THE REASON(S) SUCH CHANGE(S) ARE NECESSARY** *(use additional sheet if necessary):*

The proposed change is to create two 5 acre residential tracts from the existing 10 acre tract. The purpose for the requested change is to allow the same use of the property as the residential tracts located to the north and west of the subject property.

11. **EXPLAIN HOW YOUR CASE CONFORMS TO EACH OF THE FOLLOWING REQUIREMENTS** *(be complete, use additional sheet if necessary):*

- A. Strict compliance with the provisions of these regulations will limit the reasonable use of the property, and deprive the applicant of rights enjoyed by other properties similarly situated in the same district.

The property is adjacent to residential tracts ranging in size from 2.3 acres to 5.7 acres. Though zoned AG-80, the subject property is not being used for agricultural purposes and appears to not have been used for agriculture for some time. Dividing the property as proposed will not reduce the area of land being used for agricultural purposes in the area and will not significantly impact existing agriculture uses on the adjacent public lands. Strict compliance to the zoning will limit the reasonable use of the property and deprive the owner rights currently enjoyed by the surrounding residential properties.

- B. The hardship is the result of lot size, shape, topography, or other circumstance over which the applicant has no control.

The hardship is the result of a blanket AG-80 zoning being adopted and applied. This zoning was not representative of the existing tracts in the immediate vicinity of the applicants property. The proposed tract sizes are representative of the surrounding residential tract sizes and would still be larger than 75% of the surrounding private properties.

- C. The hardship is peculiar to the property.

The hardship is not peculiar to the property as there are a small number of clustered residential properties in the Eastside Zoning District AG-80 zoned area. It is peculiar to the south half of the zoning district as this is the only cluster of small acreage residential tracts.

D. The hardship was not created by the applicant.

The hardship was not created by the applicant. The 10 acre tract and surrounding tracts existed prior to the Flathead County Zoning Regulations being adopted in 1993.

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E. The hardship is not economic (*where a reasonable or viable alternative exists*).

The hardship is not economic, it's a deprivation of rights enjoyed by immediately adjacent property owners.

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F. Granting the variance will not adversely affect the neighboring properties or the public.

Granting the variance will not adversely affect neighboring properties or the public. The 5 acre proposed tract sizes would be of comparable size to neighboring residential properties. There would be no significant impacts to the Fish, Wildlife and Parks property located east and south of the subject property which is currently being used for agriculture.

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G. The variance requested is the minimum variance, which will alleviate the hardship.

The variance is the minimum variance needed to alleviate the hardship since only two tracts are being requested.

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H. Granting the variance will not confer a special privilege that is denied other similar properties in the same district.

The applicants position is that this variance would not grant a special privilege, it would permit a similar and consistent use (currently denied by zoning) to existing and immediately adjacent residential properties.

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12. **ATTACH A PLOT PLAN OR DRAWING.**



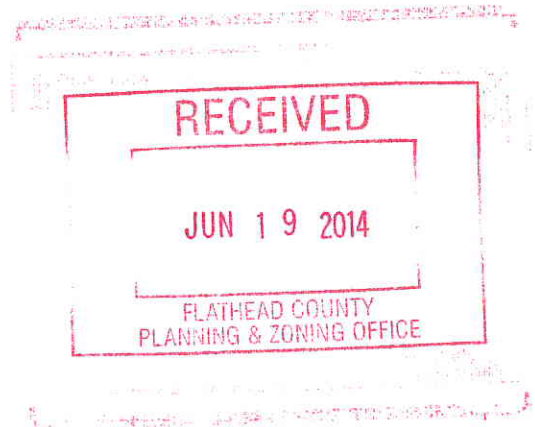
I hereby certify under penalty of perjury and the laws of the State of Montana that the information submitted herein, on all other submitted forms, documents, plans or any other information submitted as part of this application, to be true, complete, and accurate to the best of my knowledge. Should any information or representation submitted in connection with this application be incorrect or untrue, I understand that any approval based thereon may be rescinded or other appropriate action taken. The signing of this application signifies approval for FCPZ staff to be present on the property for routine monitoring and inspection during the approval and development process.

Mike Williamson  
Owner/Applicant Signature

June 18, 2014  
Date

#### **INSTRUCTIONS FOR VARIANCE APPLICATION**

1. **ANSWER ALL QUESTIONS.** Answers should be clear and contain all the necessary information.
2. In answering Question 7, refer to the classification system in the Zoning Regulations and explain in detail the specific standards from which the applicant is seeking relief.
3. In answering Question 9, be specific and complete. In this and all other questions, if additional space is needed you may use additional paper, and list which section number you are continuing.
4. Answer Question 10, A-H completely and fully.
5. A copy of the plot plan or site plan must be submitted with each application (*Please include 6 copies if you submit a size larger than 11x17*).
6. A **Certified** Adjoining Property Owners List must be submitted with the application (*see forms below*). The list will be sent directly to the Planning & Zoning office, unless you request otherwise. This list is valid for a period of 6 months from date generated. You may also get a certified adjoining landowners list from a title company if you choose.
7. A fee per the FCPZ schedule of fees for a variance application must be submitted with this application to cover the cost of necessary investigation, publication, mailing and processing procedures.



RECEIVED

JUN 19 2014

PLATHEAD COUNTY  
PLANNING & ZONING OFFICE



NORTH  
NOT TO SCALE

107.5 AC.

6.8 AC.

57.4 AC.

3.0 AC.

4.4 AC.

2.3 AC.

2.3 AC.

5.7 AC.

8.7 AC.

PROPOSED  
5 ACRE TRACT  
PROPOSED  
5 ACRE TRACT

EXISTING BOUNDARY  
OF 10 ACRE TRACT

PART OF 57.4 AC. TRACT

DEPT. OF FISH, WILDLIFE & PARKS

DEPT. OF FISH, WILDLIFE & PARKS

DEPT. OF FISH, WILDLIFE & PARKS

**General Parcel Data**

Tract Id: 2821X26-XXX-3  
Assessor: 0690100  
Geocode: 07396626301350000  
Approximate Acres: 9.7  
City: NA  
Subdivision Name: NA  
Owner: WILLIAMSON, JAMES & NIKKEA  
Address: (M) PO BOX 8176 KALISPELL MT 59904  
Owner: WILLIAMSON, JAMES & NIKKEA  
Address: (P) 2109 STEEL BRIDGE RD KALISPELL MT 59901

**Certificates of Survey**

Tract Land: None available  
Subdivision RTMT/BLA: None available

**Subdivision Plats**

None available

**School Data**

School District Name: FAIR-MONT-EGAN  
School District Number: 3  
High School District: FLATHEAD

**Congressional Data**

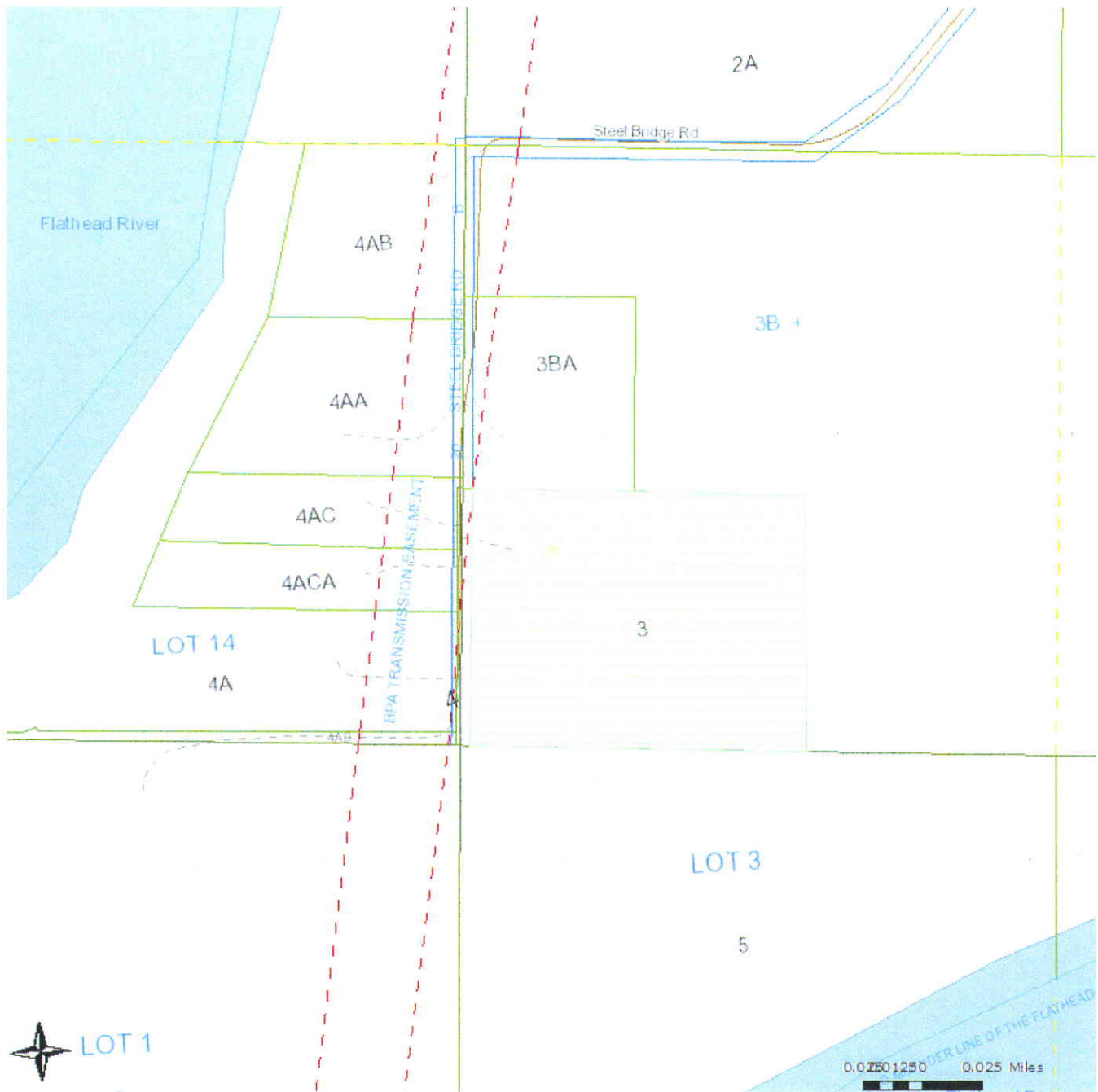
Precinct Number: 43  
House District: 10  
Senate District: 5  
Kalispell Ward Number: NA

**Commissioner, Fire, Water/Sewer Data**

Commissioner District: 2  
Fire District: CRESTON  
Water & Sewer District: NA

**Zoning Data**

Neighborhood Plan: NA  
County Zoning District: EASTSIDE  
County Zoning Use: AG-80  
Whitefish Zoning: NA  
Kalispell Zoning: NA  
Columbia Falls Zoning: NA



Dear Property Owner:

2109 Steel Bridge Rd, Variance Application

In accordance with the zoning laws an application for variance on the property located at 2109 Steel Bridge Rd, will be submitted to the Board of Adjustments for review and approval. The application and plans are attached within.

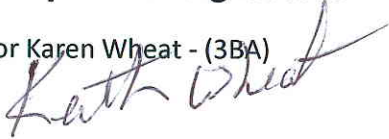
The purpose of this letter is to inform you of the variance, and ask your approval and acceptance, that this change will not negatively impact you as a property owner and/or your neighboring properties. Upon review and acceptance of the variance please sign below.

Sincerely,

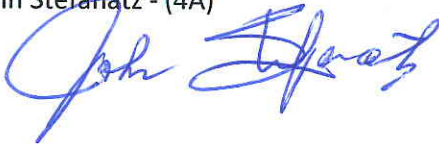
  
James & Nikkea Williamson

**Property Owner Signatures**

Keith or Karen Wheat - (3BA)



John Stefanatz - (4A)



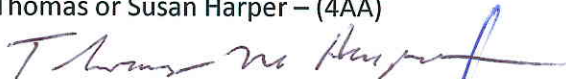
Judy Spence - (4ACA)

*property owner passed away - property left in family trust. Their approval has been granted over the phone; trust advocates reside in MD.*

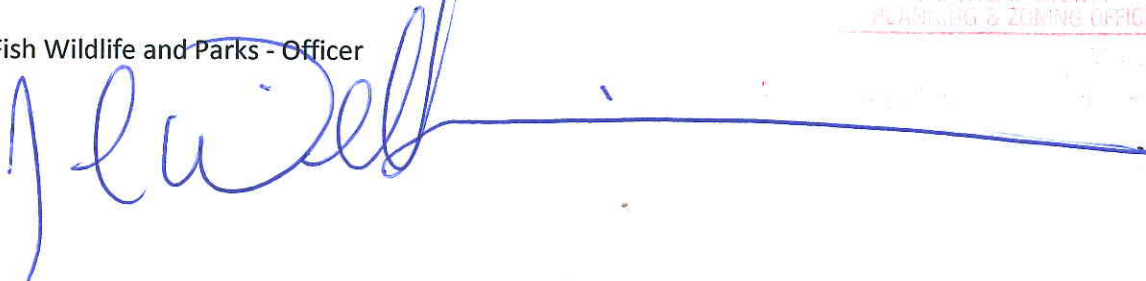
Michael Griffith - (4AC)



Thomas or Susan Harper - (4AA)



Fish Wildlife and Parks - Officer



RECEIVED

JUN 19 2014

PLATEAU COUNTY  
PLANNING & ZONING OFFICE